IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 3059 of 2005

For Approval and Signature:

HON'BLE MR.JUSTICE D.N.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MAULESH RAJNIKANT PATHAK

Versus

THE STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 3059 of 2005

MR KB ANANDJIWALA for Petitioner No. 1

MR VM PANCHOLI, APP for Respondent No. 1

NOTICE NOT RECD BACK for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE D.N.PATEL

Date of decision: 11/05/2005

ORAL JUDGEMENT

Rule. Mr.V.M.Pancholi, learned Addl. Public

Prosecutor for the State waives the service.

2. Heard learned advocate Mr.K.B.Anandjiwala for the applicant and Mr.V.M.Pancholi, learned Additional Public Prosecutor for the respondent-State.

3. Having heard the learned counsels for both the sides at length and looking to the facts and circumstances of the case, coupled with the fact that the present applicant has deposited an amount of Rs.75,200/-with the respondent No.2 and respondent No.2, in turn, has deposited that amount with State Bank of India. Learned APP, upon instructions from one Mr.Usmangani Abdul Majid, Constable, Godhra Town Police Station, submits that the said amount of Rs.75,200/- has been received by the respondent No.1. Learned APP has also pointed out from the correspondence from the respondent No.2 that the amount has been received by respondent No.1. A copy of the letter written by the respondent No.2 dated 26th April, 2005 is taken on record along with "Chalan" of Rs.75,200/- deposited with the Government Treasury and considering the submissions made on behalf of the parties and having regard to the circumstances and facts, the application is allowed and the applicant is ordered to be released on bail in connection with Crime Register No.I-337 of 2004 of Godhra Town Police Station on his executing a bond of Rs.5000/(Rupees five thousand only) with one surety of the like amount to the satisfaction of the lower Court and subject to the conditions that he shall,

(a) not take undue advantage of his liberty or abuse his liberty;

(b) not act in a manner injurious to the interest of the prosecution;

(c) maintain law and order;

(d) mark his presence before Godhra Town Police Station on every 1st day of English calender month between 9 a.m. to 2 p.m.;

(e) not leave the State of Gujarat without the prior permission of the Sessions Court concerned;

(f) furnish the address of his residence at the time of execution of the bond and shall not change the residence without prior permission of this Court;

(g) surrender his passport, if any, to the lower court within a week.

4. If breach of any of the above conditions is committed, the Sessions Judge concerned will be free to issue warrant or to take appropriate action in the matter.

5. Bail before the lower Court having jurisdiction to try the case.

6. Rule is made absolute.

[D.N.PATEL, J.]

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